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U.S. DISTRICT COURT
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13

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 NOMADIX, INC.,
18 Plaintiff,
19 v.
20 HEWLETT-PACKARD COMPANY,
WAYPORT, INC.,
21 IBAHN CORPORATION,
GUEST-TEK INTERACTIVE
ENTERTAINMENT LTD.,
22 GUEST-TEK INTERACTIVE
ENTERTAINMENT INC.,
LODGENET INTERACTIVE
CORPORATION,
23 LODGENET STAYONLINE, INC.,
ON COMMAND CORPORATION,
24 ARUBA NETWORKS, INC.,
SUPERCLICK, INC.,
25 SUPERCLICK NETWORKS, INC.,
26
27 Defendants.
28

Case No. CV-09-08441-DDP (VBKx)

**IBAHN CORPORATION'S FIRST
AMENDED ANSWER TO
PLAINTIFF'S COMPLAINT AND
COUNTERCLAIMS**

DEMAND FOR JURY TRIAL

Judge: Hon. Dean D. Pregerson

1 IBAHN CORPORATION,
2 Counterclaimant,
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4 v.
5 NOMADIX, INC.,
6 Counter-defendant.

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1 **IBAHN CORPORATION'S FIRST AMENDED ANSWER, DEFENSES,**
2 **AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT**

3 Defendant iBAHN Corporation ("iBAHN") hereby submits its
4 Answer, including defenses and counterclaims, as to the Complaint for Patent
5 Infringement of Plaintiff Nomadix, Inc. ("Nomadix") as follows:

6 **JURISDICTION AND VENUE**

7 1. iBAHN admits that Nomadix purports to bring this claim under the
8 patent laws of the United States and that this Court has subject matter
9 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). iBAHN, however,
10 denies the merits of the claims asserted against it.

11 2. For the purposes of this action, iBAHN does not deny that the
12 Court has personal jurisdiction over it. To the extent any remaining allegations
13 of paragraph 2 are directed to iBAHN, they are denied. To the extent the
14 allegations of paragraph 2 are directed to other entities, iBAHN lacks
15 knowledge or information sufficient to form a belief as to the truth of the
16 allegations of paragraph 2.

17 3. iBAHN admits that venue is proper in this district as to iBAHN, but
18 denies having committed any wrongful acts upon which venue allegedly is
19 based. To the extent the allegations of paragraph 3 are directed to other
20 entities, iBAHN lacks knowledge or information sufficient to form a belief as to
21 the truth of the allegations of paragraph 3.

22 **PARTIES**

23 4. iBAHN lacks knowledge or information sufficient to form a belief
24 about the truth of allegations of paragraph 4.

25 5. iBAHN lacks knowledge or information sufficient to form a belief
26 as to the truth of the allegations of paragraph 5.

27 6. iBAHN lacks knowledge or information sufficient to form a belief
28 as to the truth of the allegations of paragraph 6.

7. iBAHN Corporation admits it is a corporation organized under the laws of the state of Delaware with its principal place of business at 10757 S. River Front Parkway, Suite 300, Salt Lake City, Utah 84095.

8. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8.

9. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9.

10. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10.

11. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11.

12. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12.

13. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13.

14. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14.

15. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15.

ALLEGATIONS FOR ALL CLAIMS OF RELIEF

16. iBAHN admits that on its face the United States Patent No. 6,130,892 (“the ‘892 patent”) states that it issued on October 10, 2000, and that it is entitled “Nomadic Translator or Router.” iBAHN further admits that what appears to be a copy of the ’892 patent is attached to the Complaint as Exhibit 1. iBAHN further admits that what appears to be a copy of the Notice of Intent to Issue *Ex Parte* Reexamination Certificate is attached to the Complaint as Exhibit 2. iBAHN lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 16.

1 17. iBAHN admits that on its face the United States Patent No. 7,088,727
2 (“the ‘727 patent”) states that it issued on August 8, 2006, and that it is entitled
3 “System and Method for Establishing Network Connection with Unknown Network
4 and/or User Device.” iBAHN further admits that what appears to be a copy of the
5 ‘727 patent is attached to the Complaint as Exhibit 3. iBAHN lacks knowledge or
6 information sufficient to form a belief about the truth of the remaining allegations
7 of paragraph 17.

8 18. iBAHN admits that on its face the United States Patent No. 7,554,995
9 (“the ‘995 patent”) states that it issued on June 30, 2009, and that it is entitled
10 “System and Method for Establishing Network Connection with Unknown Network
11 and/or User Device.” iBAHN further admits that what appears to be a copy of the
12 ‘995 patent is attached to the Complaint as Exhibit 4. iBAHN lacks knowledge or
13 information sufficient to form a belief about the truth of the remaining allegations
14 of paragraph 18.

15 19. iBAHN admits that on its face the United States Patent No. 6,636,894
16 (“the ‘894 patent”) states that it issued on October 21, 2003, and that it is entitled
17 “Systems and Methods for Redirecting Users Having Transparent Computer Access
18 to a Network Using a Gateway Device Having Redirection Capability.” iBAHN
19 further admits that what appears to be a copy of the ‘894 patent is attached to the
20 Complaint as Exhibit 5. iBAHN further admits that what appears to be a copy of
21 the *Ex Parte* Reexamination Certificate is attached to the Complaint as Exhibit 6.
22 iBAHN lacks knowledge or information sufficient to form a belief about the truth
23 of the remaining allegations of paragraph 19.

24 20. iBAHN admits that on its face the United States Patent No. 7,194,554
25 (“the ‘554 patent”) states that it issued on March 20, 2007, and that it is entitled
26 “Systems and Methods for Providing Dynamic Network Authorization
27 Authentication and Accounting.” iBAHN further admits that what appears to be a
28 copy of the ‘554 patent is attached to the Complaint as Exhibit 7. iBAHN lacks

knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 20.

3 21. iBAHN admits that on its face the United States Patent No. 6,868,399
4 (“the ‘399 patent”) states that it issued on March 15, 2005, and that it is entitled
5 “Systems and Methods for Integrating a Network Gateway Device with
6 Management Systems.” iBAHN further admits that what appears to be a copy of
7 the ’399 patent is attached to the Complaint as Exhibit 8. iBAHN lacks knowledge
8 or information sufficient to form a belief about the truth of the remaining
9 allegations of paragraph 21 the complaint.

10 22. iBAHN admits that on its face the United States Patent No. 6,789,110
11 (“the ‘110 patent”) states that it issued on September 7, 2004, and that it is entitled
12 “Information and Control Console for Use with a Network Gateway Interface.”
13 iBAHN further admits that what appears to be a copy of the ‘110 patent is attached
14 to the Complaint as Exhibit 9. iBAHN lacks knowledge or information sufficient to
15 form a belief about the truth of the remaining allegations of paragraph 22.

16 23. iBAHN lacks knowledge or information sufficient to form a belief
17 about the truth of allegations of paragraph 23.

I. CLAIMS AGAINST HP

CLAIM 1: CLAIM FOR INFRINGEMENT OF
U.S. PATENT NO. 6,130,892 BY HP

21 24. iBAHN repeats and incorporates by reference its responses to the
22 allegations in paragraphs 1 through 23.

23 25. iBAHN admits that Nomadix purports to bring this claim under the
24 patent laws of the United States.

25 26. The allegations of paragraph 26 are not directed to iBAHN, and
26 therefore no answer is required. iBAHN lacks knowledge or information sufficient
27 to form a belief as to the truth of the allegations of paragraph 26.

28 27. The allegations of paragraph 27 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 27.

3 28. The allegations of paragraph 28 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 28.

6 29. The allegations of paragraph 29 are not directed to iBAHN, and
7 therefore no answer is required. iBAHN lacks knowledge or information sufficient
8 to form a belief as to the truth of the allegations of paragraph 29.

9 30. The allegations of paragraph 30 are not directed to iBAHN, and
10 therefore no answer is required. iBAHN lacks knowledge or information sufficient
11 to form a belief as to the truth of the allegations of paragraph 30.

12 31. The allegations of paragraph 31 are not directed to iBAHN, and
13 therefore no answer is required. iBAHN lacks knowledge or information sufficient
14 to form a belief as to the truth of the allegations of paragraph 31.

15 32. The allegations of paragraph 32 are not directed to iBAHN, and
16 therefore no answer is required. iBAHN lacks knowledge or information sufficient
17 to form a belief as to the truth of the allegations of paragraph 32.

18 33. The allegations of paragraph 33 are not directed to iBAHN, and
19 therefore no answer is required. iBAHN lacks knowledge or information sufficient
20 to form a belief as to the truth of the allegations of paragraph 33.

21 **CLAIM 2: CLAIM FOR INFRINGEMENT OF**
22 **U.S. PATENT NO. 7,088,727 BY HP**

23 34. iBAHN repeats and incorporates by reference its responses to the
24 allegations in paragraphs 1 through 23.

25 35. iBAHN admits that Nomadix purports to bring this claim under the
26 patent laws of the United States.

27 36. The allegations of paragraph 36 are not directed to iBAHN, and
28 therefore no answer is required. iBAHN lacks knowledge or information sufficient

1 to form a belief as to the truth of the allegations of paragraph 36.

2 37. The allegations of paragraph 37 are not directed to iBAHN, and
3 therefore no answer is required. iBAHN lacks knowledge or information sufficient
4 to form a belief as to the truth of the allegations of paragraph 37.

5 38. The allegations of paragraph 38 are not directed to iBAHN, and
6 therefore no answer is required. iBAHN lacks knowledge or information sufficient
7 to form a belief as to the truth of the allegations of paragraph 38.

8 39. The allegations of paragraph 39 are not directed to iBAHN, and
9 therefore no answer is required. iBAHN lacks knowledge or information sufficient
10 to form a belief as to the truth of the allegations of paragraph 39.

11 40. The allegations of paragraph 40 are not directed to iBAHN, and
12 therefore no answer is required. iBAHN lacks knowledge or information sufficient
13 to form a belief as to the truth of the allegations of paragraph 40.

14 41. The allegations of paragraph 41 are not directed to iBAHN, and
15 therefore no answer is required. iBAHN lacks knowledge or information sufficient
16 to form a belief as to the truth of the allegations of paragraph 41.

17 42. The allegations of paragraph 42 are not directed to iBAHN, and
18 therefore no answer is required. iBAHN lacks knowledge or information sufficient
19 to form a belief as to the truth of the allegations of paragraph 42.

20 43. The allegations of paragraph 43 are not directed to iBAHN, and
21 therefore no answer is required. iBAHN lacks knowledge or information sufficient
22 to form a belief as to the truth of the allegations of paragraph 43.

23 **CLAIM 3: CLAIM FOR INFRINGEMENT OF**
24 **U.S. PATENT NO. 7,554,995 BY HP**

25 44. iBAHN repeats and incorporates by reference its responses to the
26 allegations in paragraphs 1 through 23.

27 45. iBAHN admits that Nomadix purports to bring this claim under the
28 patent laws of the United States.

1 46. The allegations of paragraph 46 are not directed to iBAHN, and
2 therefore no answer is required. iBAHN lacks knowledge or information sufficient
3 to form a belief as to the truth of the allegations of paragraph 46.

4 47. The allegations of paragraph 47 are not directed to iBAHN, and
5 therefore no answer is required. iBAHN lacks knowledge or information sufficient
6 to form a belief as to the truth of the allegations of paragraph 47.

7 48. The allegations of paragraph 48 are not directed to iBAHN, and
8 therefore no answer is required. iBAHN lacks knowledge or information sufficient
9 to form a belief as to the truth of the allegations of paragraph 48.

10 49. The allegations of paragraph 49 are not directed to iBAHN, and
11 therefore no answer is required. iBAHN lacks knowledge or information sufficient
12 to form a belief as to the truth of the allegations of paragraph 49.

13 50. The allegations of paragraph 50 are not directed to iBAHN, and
14 therefore no answer is required. iBAHN lacks knowledge or information sufficient
15 to form a belief as to the truth of the allegations of paragraph 50.

16 51. The allegations of paragraph 51 are not directed to iBAHN, and
17 therefore no answer is required. iBAHN lacks knowledge or information sufficient
18 to form a belief as to the truth of the allegations of paragraph 51.

19 52. The allegations of paragraph 52 are not directed to iBAHN, and
20 therefore no answer is required. iBAHN lacks knowledge or information sufficient
21 to form a belief as to the truth of the allegations of paragraph 52.

22 53. The allegations of paragraph 53 are not directed to iBAHN, and
23 therefore no answer is required. iBAHN lacks knowledge or information sufficient
24 to form a belief as to the truth of the allegations of paragraph 53.

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CLAIM 4: CLAIM FOR INFRINGEMENT OF
U.S. PATENT NO. 6,636,894 BY HP

54. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 23.

55. iBAHN admits that Nomadix purports to bring this claim under the patent laws of the United States.

56. The allegations of paragraph 56 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 56.

57. The allegations of paragraph 57 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 57.

58. The allegations of paragraph 58 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 58.

59. The allegations of paragraph 59 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 59.

60. The allegations of paragraph 60 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 60.

61. The allegations of paragraph 61 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 61.

62. The allegations of paragraph 62 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 62.

63. The allegations of paragraph 63 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 63.

3 **CLAIM 5: CLAIM FOR INFRINGEMENT OF**
4 **U.S. PATENT NO. 7,194,554 BY HP**

5 64. iBAHN repeats and incorporates by reference its responses to the
6 allegations in paragraphs 1 through 23.

7 65. iBAHN admits that Nomadix purports to bring this claim under the
8 patent laws of the United States.

9 66. The allegations of paragraph 66 are not directed to iBAHN, and
10 therefore no answer is required. iBAHN lacks knowledge or information sufficient
11 to form a belief as to the truth of the allegations of paragraph 66.

12 67. The allegations of paragraph 67 are not directed to iBAHN, and
13 therefore no answer is required. iBAHN lacks knowledge or information sufficient
14 to form a belief as to the truth of the allegations of paragraph 67.

15 68. The allegations of paragraph 68 are not directed to iBAHN, and
16 therefore no answer is required. iBAHN lacks knowledge or information sufficient
17 to form a belief as to the truth of the allegations of paragraph 68.

18 69. The allegations of paragraph 69 are not directed to iBAHN, and
19 therefore no answer is required. iBAHN lacks knowledge or information sufficient
20 to form a belief as to the truth of the allegations of paragraph 69.

21 70. The allegations of paragraph 70 are not directed to iBAHN, and
22 therefore no answer is required. iBAHN lacks knowledge or information sufficient
23 to form a belief as to the truth of the allegations of paragraph 70.

24 71. The allegations of paragraph 71 are not directed to iBAHN, and
25 therefore no answer is required. iBAHN lacks knowledge or information sufficient
26 to form a belief as to the truth of the allegations of paragraph 71.

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CLAIM 6: CLAIM FOR INFRINGEMENT OF
U.S. PATENT NO. 6,868,399 BY HP

72. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 23.

73. iBAHN admits that Nomadix purports to bring this claim under the patent laws of the United States.

74. The allegations of paragraph 74 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 74.

75. The allegations of paragraph 75 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 75.

76. The allegations of paragraph 76 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 76.

77. The allegations of paragraph 77 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 77.

78. The allegations of paragraph 78 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 78.

79. The allegations of paragraph 79 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 79.

80. The allegations of paragraph 80 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 80.

81. The allegations of paragraph 81 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 81.

3 **II. CLAIM AGAINST WAYPORT**

4 **CLAIM 7: CLAIM FOR INFRINGEMENT OF**
5 **U.S. PATENT NO. 6,130,892 BY WAYPORT**

6 82. iBAHN repeats and incorporates by reference its responses to the
7 allegations in paragraphs 1 through 23.

8 83. iBAHN admits that Nomadix purports to bring this claim under the
9 patent laws of the United States.

10 84. The allegations of paragraph 84 are not directed to iBAHN, and
11 therefore no answer is required. iBAHN lacks knowledge or information sufficient
12 to form a belief as to the truth of the allegations of paragraph 84.

13 85. The allegations of paragraph 85 are not directed to iBAHN, and
14 therefore no answer is required. iBAHN lacks knowledge or information sufficient
15 to form a belief as to the truth of the allegations of paragraph 85.

16 86. The allegations of paragraph 86 are not directed to iBAHN, and
17 therefore no answer is required. iBAHN lacks knowledge or information sufficient
18 to form a belief as to the truth of the allegations of paragraph 86.

19 87. The allegations of paragraph 87 are not directed to iBAHN, and
20 therefore no answer is required. iBAHN lacks knowledge or information sufficient
21 to form a belief as to the truth of the allegations of paragraph 87.

22 **CLAIM 8: CLAIM FOR INFRINGEMENT OF**
23 **U.S. PATENT NO. 7,088,727 BY WAYPORT**

24 88. iBAHN repeats and incorporates by reference its responses to the
25 allegations in paragraphs 1 through 23.

26 89. iBAHN admits that Nomadix purports to bring this claim under the
27 patent laws of the United States.

28 90. The allegations of paragraph 90 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 90.

3 91. The allegations of paragraph 91 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 91.

6 92. The allegations of paragraph 92 are not directed to iBAHN, and
7 therefore no answer is required. iBAHN lacks knowledge or information sufficient
8 to form a belief as to the truth of the allegations of paragraph 92.

9 93. The allegations of paragraph 93 are not directed to iBAHN, and
10 therefore no answer is required. iBAHN lacks knowledge or information sufficient
11 to form a belief as to the truth of the allegations of paragraph 93.

12 **CLAIM 9: CLAIM FOR INFRINGEMENT OF**
13 **U.S. PATENT NO. 7,554,995 BY WAYPORT**

14 94. iBAHN repeats and incorporates by reference its responses to the
15 allegations in paragraphs 1 through 23.

16 95. iBAHN admits that Nomadix purports to bring this claim under the
17 patent laws of the United States.

18 96. The allegations of paragraph 96 are not directed to iBAHN, and
19 therefore no answer is required. iBAHN lacks knowledge or information sufficient
20 to form a belief as to the truth of the allegations of paragraph 96.

21 97. The allegations of paragraph 97 are not directed to iBAHN, and
22 therefore no answer is required. iBAHN lacks knowledge or information sufficient
23 to form a belief as to the truth of the allegations of paragraph 97.

24 98. The allegations of paragraph 98 are not directed to iBAHN, and
25 therefore no answer is required. iBAHN lacks knowledge or information sufficient
26 to form a belief as to the truth of the allegations of paragraph 98.

27 99. The allegations of paragraph 99 are not directed to iBAHN, and
28 therefore no answer is required. iBAHN lacks knowledge or information sufficient

1 to form a belief as to the truth of the allegations of paragraph 99.

2 **CLAIM 10: CLAIM FOR INFRINGEMENT OF**
3 **U.S. PATENT NO. 6,636,894 BY WAYPORT**

4 100. iBAHN repeats and incorporates by reference its responses to the
5 allegations in paragraphs 1 through 23.

6 101. iBAHN admits that Nomadix purports to bring this claim under the
7 patent laws of the United States.

8 102. The allegations of paragraph 102 are not directed to iBAHN, and
9 therefore no answer is required. iBAHN lacks knowledge or information sufficient
10 to form a belief as to the truth of the allegations of paragraph 102.

11 103. The allegations of paragraph 103 are not directed to iBAHN, and
12 therefore no answer is required. iBAHN lacks knowledge or information sufficient
13 to form a belief as to the truth of the allegations of paragraph 103.

14 104. The allegations of paragraph 104 are not directed to iBAHN, and
15 therefore no answer is required. iBAHN lacks knowledge or information sufficient
16 to form a belief as to the truth of the allegations of paragraph 104.

17 105. The allegations of paragraph 105 are not directed to iBAHN, and
18 therefore no answer is required. iBAHN lacks knowledge or information sufficient
19 to form a belief as to the truth of the allegations of paragraph 105.

20 **CLAIM 11: CLAIM FOR INFRINGEMENT OF**
21 **U.S. PATENT NO. 7,194,554 BY WAYPORT**

22 106. iBAHN repeats and incorporates by reference its responses to the
23 allegations in paragraphs 1 through 23.

24 107. iBAHN admits that Nomadix purports to bring this claim under the
25 patent laws of the United States.

26 108. The allegations of paragraph 108 are not directed to iBAHN, and
27 therefore no answer is required. iBAHN lacks knowledge or information sufficient
28 to form a belief as to the truth of the allegations of paragraph 108.

1 109. The allegations of paragraph 109 are not directed to iBAHN, and
2 therefore no answer is required. iBAHN lacks knowledge or information sufficient
3 to form a belief as to the truth of the allegations of paragraph 109.

4 110. The allegations of paragraph 110 are not directed to iBAHN, and
5 therefore no answer is required. iBAHN lacks knowledge or information sufficient
6 to form a belief as to the truth of the allegations of paragraph 110.

7 111. The allegations of paragraph 111 are not directed to iBAHN, and
8 therefore no answer is required. iBAHN lacks knowledge or information sufficient
9 to form a belief as to the truth of the allegations of paragraph 111.

10 **CLAIM 12: CLAIM FOR INFRINGEMENT OF**
11 **U.S. PATENT NO. 6,868,399 BY WAYPORT**

12 112. iBAHN repeats and incorporates by reference its responses to the
13 allegations in paragraphs 1 through 23.

14 113. iBAHN admits that Nomadix purports to bring this claim under the
15 patent laws of the United States.

16 114. The allegations of paragraph 114 are not directed to iBAHN, and
17 therefore no answer is required. iBAHN lacks knowledge or information sufficient
18 to form a belief as to the truth of the allegations of paragraph 114.

19 115. The allegations of paragraph 115 are not directed to iBAHN, and
20 therefore no answer is required. iBAHN lacks knowledge or information sufficient
21 to form a belief as to the truth of the allegations of paragraph 115.

22 116. The allegations of paragraph 116 are not directed to iBAHN, and
23 therefore no answer is required. iBAHN lacks knowledge or information sufficient
24 to form a belief as to the truth of the allegations of paragraph 116.

25 117. The allegations of paragraph 117 are not directed to iBAHN, and
26 therefore no answer is required. iBAHN lacks knowledge or information sufficient
27 to form a belief as to the truth of the allegations of paragraph 117.

III. CLAIMS AGAINST IBAHN

CLAIM 13: CLAIM FOR INFRINGEMENT OF

U.S. PATENT NO. 6,130,892 BY IBAHN

118. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 23.

119. iBAHN admits that Nomadix purports to bring this claim under the patent laws of the United States.

120. iBAHN denies all of the allegations of paragraph 120 of the complaint.

121. iBAHN admits that it received a letter from Nomadix that purports to assert infringement of the '892 patent. iBAHN denies the remaining allegations of paragraph 121 of the complaint.

122. iBAHN denies all of the allegations of paragraph 122 of the complaint.

123. iBAHN denies all of the allegations of paragraph 123 of the complaint.

124. iBAHN denies all of the allegations of paragraph 124 of the complaint.

125. iBAHN denies all of the allegations of paragraph 125 of the complaint.

CLAIM 14: CLAIM FOR INFRINGEMENT OF

U.S. PATENT NO. 7,088,727 BY IBAHN

126. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 23.

127. iBAHN admits that Nomadix purports to bring this claim under the patent laws of the United States.

128. iBAHN denies all of the allegations of paragraph 128 of the complaint.

129. iBAHN admits that it received a letter from Nomadix that purports to assert infringement of the '727 patent. iBAHN denies the remaining allegations of paragraph 129 of the complaint.

130. iBAHN denies all of the allegations of paragraph 130 of the complaint.

131. iBAHN denies all of the allegations of paragraph 131 of the complaint.

132. iBAHN denies all of the allegations of paragraph 132 of the complaint.

1 133. iBAHN denies all of the allegations of paragraph 133 of the complaint.

2 **CLAIM 15: CLAIM FOR INFRINGEMENT OF**

3 **U.S. PATENT NO. 7,554,995 BY IBAHN**

4 134. iBAHN repeats and incorporates by reference its responses to the
5 allegations in paragraphs 1 through 23.

6 135. iBAHN admits that Nomadix purports to bring this claim under the
7 patent laws of the United States.

8 136. iBAHN denies all of the allegations of paragraph 136 of the complaint.

9 137. iBAHN admits that it received a letter from Nomadix that purports to
10 assert infringement of the '995 patent. iBAHN denies the remaining allegations of
11 paragraph 137 of the complaint.

12 138. iBAHN denies all of the allegations of paragraph 138 of the complaint.

13 139. iBAHN denies all of the allegations of paragraph 139 of the complaint.

14 140. iBAHN denies all of the allegations of paragraph 140 of the complaint.

15 141. iBAHN denies all of the allegations of paragraph 141 of the complaint.

16 **CLAIM 16: CLAIM FOR INFRINGEMENT OF**

17 **U.S. PATENT NO. 6,636,894 BY IBAHN**

18 142. iBAHN repeats and incorporates by reference its responses to the
19 allegations in paragraphs 1 through 23.

20 143. iBAHN admits that Nomadix purports to bring this claim under the
21 patent laws of the United States.

22 144. iBAHN denies all of the allegations of paragraph 144 of the complaint.

23 145. iBAHN admits that it received a letter from Nomadix that purports to
24 assert infringement of the '894 patent. iBAHN denies the remaining allegations of
25 paragraph 145 of the complaint.

26 146. iBAHN denies all of the allegations of paragraph 146 of the complaint.

27 147. iBAHN denies all of the allegations of paragraph 147 of the complaint.

28 148. iBAHN denies all of the allegations of paragraph 148 of the complaint.

1 149. iBAHN denies all of the allegations of paragraph 149 of the complaint.

2 **CLAIM 17: CLAIM FOR INFRINGEMENT OF**

3 **U.S. PATENT NO. 6,868,399 BY IBAHN**

4 150. iBAHN repeats and incorporates by reference its responses to the
5 allegations in paragraphs 1 through 23.

6 151. iBAHN admits that Nomadix purports to bring this claim under the
7 patent laws of the United States.

8 152. iBAHN denies all of the allegations of paragraph 152 of the complaint.

9 153. iBAHN admits that it received a letter from Nomadix that purports to
10 assert infringement of the '399 patent. iBAHN denies the remaining allegations of
11 paragraph 153 of the complaint.

12 154. iBAHN denies all of the allegations of paragraph 154 of the complaint.

13 155. iBAHN denies all of the allegations of paragraph 155 of the complaint.

14 156. iBAHN denies all of the allegations of paragraph 156 of the complaint.

15 157. iBAHN denies all of the allegations of paragraph 157 of the complaint.

16 **IV. CLAIMS AGAINST GUEST-TEK**

17 **CLAIM 18: CLAIM FOR INFRINGEMENT OF**

18 **U.S. PATENT NO. 6,130,892 BY GUEST-TEK**

19 158. iBAHN repeats and incorporates by reference its responses to the
20 allegations in paragraphs 1 through 23.

21 159. iBAHN admits that Nomadix purports to bring this claim under the
22 patent laws of the United States.

23 160. The allegations of paragraph 160 are not directed to iBAHN, and
24 therefore no answer is required. iBAHN lacks knowledge or information sufficient
25 to form a belief as to the truth of the allegations of paragraph 160.

26 161. The allegations of paragraph 161 are not directed to iBAHN, and
27 therefore no answer is required. iBAHN lacks knowledge or information sufficient
28 to form a belief as to the truth of the allegations of paragraph 161.

1 162. The allegations of paragraph 162 are not directed to iBAHN, and
2 therefore no answer is required. iBAHN lacks knowledge or information sufficient
3 to form a belief as to the truth of the allegations of paragraph 162.

4 163. The allegations of paragraph 163 are not directed to iBAHN, and
5 therefore no answer is required. iBAHN lacks knowledge or information sufficient
6 to form a belief as to the truth of the allegations of paragraph 163.

7 164. The allegations of paragraph 164 are not directed to iBAHN, and
8 therefore no answer is required. iBAHN lacks knowledge or information sufficient
9 to form a belief as to the truth of the allegations of paragraph 164.

10 165. The allegations of paragraph 165 are not directed to iBAHN, and
11 therefore no answer is required. iBAHN lacks knowledge or information sufficient
12 to form a belief as to the truth of the allegations of paragraph 165.

13 **CLAIM 19: CLAIM FOR INFRINGEMENT OF**
14 **U.S. PATENT NO. 7,088,727 BY GUEST-TEK**

15 166. iBAHN repeats and incorporates by reference its responses to the
16 allegations in paragraphs 1 through 23.

17 167. iBAHN admits that Nomadix purports to bring this claim under the
18 patent laws of the United States.

19 168. The allegations of paragraph 168 are not directed to iBAHN, and
20 therefore no answer is required. iBAHN lacks knowledge or information sufficient
21 to form a belief as to the truth of the allegations of paragraph 168.

22 169. The allegations of paragraph 169 are not directed to iBAHN, and
23 therefore no answer is required. iBAHN lacks knowledge or information sufficient
24 to form a belief as to the truth of the allegations of paragraph 169.

25 170. The allegations of paragraph 170 are not directed to iBAHN, and
26 therefore no answer is required. iBAHN lacks knowledge or information sufficient
27 to form a belief as to the truth of the allegations of paragraph 170.

28 171. The allegations of paragraph 171 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 171.

3 172. The allegations of paragraph 172 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 172.

6 173. The allegations of paragraph 173 are not directed to iBAHN, and
7 therefore no answer is required. iBAHN lacks knowledge or information sufficient
8 to form a belief as to the truth of the allegations of paragraph 173.

9 **CLAIM 20: CLAIM FOR INFRINGEMENT OF**
10 **U.S. PATENT NO. 7,554,995 BY GUEST-TEK**

11 174. iBAHN repeats and incorporates by reference its responses to the
12 allegations in paragraphs 1 through 23.

13 175. iBAHN admits that Nomadix purports to bring this claim under the
14 patent laws of the United States.

15 176. The allegations of paragraph 176 are not directed to iBAHN, and
16 therefore no answer is required. iBAHN lacks knowledge or information sufficient
17 to form a belief as to the truth of the allegations of paragraph 176.

18 177. The allegations of paragraph 177 are not directed to iBAHN, and
19 therefore no answer is required. iBAHN lacks knowledge or information sufficient
20 to form a belief as to the truth of the allegations of paragraph 177.

21 178. The allegations of paragraph 178 are not directed to iBAHN, and
22 therefore no answer is required. iBAHN lacks knowledge or information sufficient
23 to form a belief as to the truth of the allegations of paragraph 178.

24 179. The allegations of paragraph 179 are not directed to iBAHN, and
25 therefore no answer is required. iBAHN lacks knowledge or information sufficient
26 to form a belief as to the truth of the allegations of paragraph 179.

27 180. The allegations of paragraph 180 are not directed to iBAHN, and
28 therefore no answer is required. iBAHN lacks knowledge or information sufficient

1 to form a belief as to the truth of the allegations of paragraph 180.

2 181. The allegations of paragraph 181 are not directed to iBAHN, and
3 therefore no answer is required. iBAHN lacks knowledge or information sufficient
4 to form a belief as to the truth of the allegations of paragraph 181.

5 **CLAIM 21: CLAIM FOR INFRINGEMENT OF**
6 **U.S. PATENT NO. 6,636,894 BY GUEST-TEK**

7 182. iBAHN repeats and incorporates by reference its responses to the
8 allegations in paragraphs 1 through 23.

9 183. iBAHN admits that Nomadix purports to bring this claim under the
10 patent laws of the United States.

11 184. The allegations of paragraph 184 are not directed to iBAHN, and
12 therefore no answer is required. iBAHN lacks knowledge or information sufficient
13 to form a belief as to the truth of the allegations of paragraph 184.

14 185. The allegations of paragraph 185 are not directed to iBAHN, and
15 therefore no answer is required. iBAHN lacks knowledge or information sufficient
16 to form a belief as to the truth of the allegations of paragraph 185.

17 186. The allegations of paragraph 186 are not directed to iBAHN, and
18 therefore no answer is required. iBAHN lacks knowledge or information sufficient
19 to form a belief as to the truth of the allegations of paragraph 186.

20 187. The allegations of paragraph 187 are not directed to iBAHN, and
21 therefore no answer is required. iBAHN lacks knowledge or information sufficient
22 to form a belief as to the truth of the allegations of paragraph 187.

23 188. The allegations of paragraph 188 are not directed to iBAHN, and
24 therefore no answer is required. iBAHN lacks knowledge or information sufficient
25 to form a belief as to the truth of the allegations of paragraph 188.

26 189. The allegations of paragraph 189 are not directed to iBAHN, and
27 therefore no answer is required. iBAHN lacks knowledge or information sufficient
28 to form a belief as to the truth of the allegations of paragraph 189.

CLAIM 22: CLAIM FOR INFRINGEMENT OF
U.S. PATENT NO. 6,868,399 BY GUEST-TEK

190. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 23.

191. iBAHN admits that Nomadix purports to bring this claim under the patent laws of the United States.

192. The allegations of paragraph 192 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 192.

193. The allegations of paragraph 193 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 193.

194. The allegations of paragraph 194 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 194.

195. The allegations of paragraph 195 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 195.

196. The allegations of paragraph 196 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 196.

197. The allegations of paragraph 197 are not directed to iBAHN, and therefore no answer is required. iBAHN lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 197.

CLAIM 23: CLAIM FOR INFRINGEMENT OF
U.S. PATENT NO. 6,789,110 BY GUEST-TEK

198. iBAHN repeats and incorporates by reference its responses to the allegations in paragraphs 1 through 23.

1 199. iBAHN admits that Nomadix purports to bring this claim under the
2 patent laws of the United States.

3 200. The allegations of paragraph 200 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 200.

6 201. The allegations of paragraph 201 are not directed to iBAHN, and
7 therefore no answer is required. iBAHN lacks knowledge or information sufficient
8 to form a belief as to the truth of the allegations of paragraph 201.

9 202. The allegations of paragraph 202 are not directed to iBAHN, and
10 therefore no answer is required. iBAHN lacks knowledge or information sufficient
11 to form a belief as to the truth of the allegations of paragraph 202.

12 203. The allegations of paragraph 203 are not directed to iBAHN, and
13 therefore no answer is required. iBAHN lacks knowledge or information sufficient
14 to form a belief as to the truth of the allegations of paragraph 203.

15 **V. CLAIMS AGAINST LODGENET**

16 **CLAIM 24: CLAIM FOR INFRINGEMENT OF**
17 **U.S. PATENT NO. 6,130,892 BY LODGENET**

18 204. iBAHN repeats and incorporates by reference its responses to the
19 allegations in paragraphs 1 through 23.

20 205. iBAHN admits that Nomadix purports to bring this claim under the
21 patent laws of the United States.

22 206. The allegations of paragraph 206 are not directed to iBAHN, and
23 therefore no answer is required. iBAHN lacks knowledge or information sufficient
24 to form a belief as to the truth of the allegations of paragraph 206.

25 207. The allegations of paragraph 207 are not directed to iBAHN, and
26 therefore no answer is required. iBAHN lacks knowledge or information sufficient
27 to form a belief as to the truth of the allegations of paragraph 207.

28 208. The allegations of paragraph 208 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 208.

3 209. The allegations of paragraph 209 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 209.

6 **CLAIM 25: CLAIM FOR INFRINGEMENT OF**
7 **U.S. PATENT NO. 7,088,727 BY LODGENET**

8 210. iBAHN repeats and incorporates by reference its responses to the
9 allegations in paragraphs 1 through 23.

10 211. iBAHN admits that Nomadix purports to bring this claim under the
11 patent laws of the United States.

12 212. The allegations of paragraph 212 are not directed to iBAHN, and
13 therefore no answer is required. iBAHN lacks knowledge or information sufficient
14 to form a belief as to the truth of the allegations of paragraph 212.

15 213. The allegations of paragraph 213 are not directed to iBAHN, and
16 therefore no answer is required. iBAHN lacks knowledge or information sufficient
17 to form a belief as to the truth of the allegations of paragraph 213.

18 214. The allegations of paragraph 214 are not directed to iBAHN, and
19 therefore no answer is required. iBAHN lacks knowledge or information sufficient
20 to form a belief as to the truth of the allegations of paragraph 214.

21 215. The allegations of paragraph 215 are not directed to iBAHN, and
22 therefore no answer is required. iBAHN lacks knowledge or information sufficient
23 to form a belief as to the truth of the allegations of paragraph 215.

24 **CLAIM 26: CLAIM FOR INFRINGEMENT OF**
25 **U.S. PATENT NO. 7,554,995 BY LODGENET**

26 216. iBAHN repeats and incorporates by reference its responses to the
27 allegations in paragraphs 1 through 23.

28 217. iBAHN admits that Nomadix purports to bring this claim under the

1 patent laws of the United States.

2 218. The allegations of paragraph 218 are not directed to iBAHN, and
3 therefore no answer is required. iBAHN lacks knowledge or information sufficient
4 to form a belief as to the truth of the allegations of paragraph 218.

5 219. The allegations of paragraph 219 are not directed to iBAHN, and
6 therefore no answer is required. iBAHN lacks knowledge or information sufficient
7 to form a belief as to the truth of the allegations of paragraph 219.

8 220. The allegations of paragraph 220 are not directed to iBAHN, and
9 therefore no answer is required. iBAHN lacks knowledge or information sufficient
10 to form a belief as to the truth of the allegations of paragraph 220.

11 221. The allegations of paragraph 221 are not directed to iBAHN, and
12 therefore no answer is required. iBAHN lacks knowledge or information sufficient
13 to form a belief as to the truth of the allegations of paragraph 221.

14 **CLAIM 27 CLAIM FOR INFRINGEMENT OF**
15 **U.S. PATENT NO. 6,636,894 BY LODGENET**

16 222. iBAHN repeats and incorporates by reference its responses to the
17 allegations in paragraphs 1 through 23.

18 223. iBAHN admits that Nomadix purports to bring this claim under the
19 patent laws of the United States.

20 224. The allegations of paragraph 224 are not directed to iBAHN, and
21 therefore no answer is required. iBAHN lacks knowledge or information sufficient
22 to form a belief as to the truth of the allegations of paragraph 224.

23 225. The allegations of paragraph 225 are not directed to iBAHN, and
24 therefore no answer is required. iBAHN lacks knowledge or information sufficient
25 to form a belief as to the truth of the allegations of paragraph 225.

26 226. The allegations of paragraph 226 are not directed to iBAHN, and
27 therefore no answer is required. iBAHN lacks knowledge or information sufficient
28 to form a belief as to the truth of the allegations of paragraph 226.

1 227. The allegations of paragraph 227 are not directed to iBAHN, and
2 therefore no answer is required. iBAHN lacks knowledge or information sufficient
3 to form a belief as to the truth of the allegations of paragraph 227.

4 **CLAIM 28 CLAIM FOR INFRINGEMENT OF**
5 **U.S. PATENT NO. 6,868,399 BY LODGENET**

6 228. iBAHN repeats and incorporates by reference its responses to the
7 allegations in paragraphs 1 through 23.

8 229. iBAHN admits that Nomadix purports to bring this claim under the
9 patent laws of the United States.

10 230. The allegations of paragraph 230 are not directed to iBAHN, and
11 therefore no answer is required. iBAHN lacks knowledge or information sufficient
12 to form a belief as to the truth of the allegations of paragraph 230.

13 231. The allegations of paragraph 231 are not directed to iBAHN, and
14 therefore no answer is required. iBAHN lacks knowledge or information sufficient
15 to form a belief as to the truth of the allegations of paragraph 231.

16 232. The allegations of paragraph 232 are not directed to iBAHN, and
17 therefore no answer is required. iBAHN lacks knowledge or information sufficient
18 to form a belief as to the truth of the allegations of paragraph 232.

19 233. The allegations of paragraph 233 are not directed to iBAHN, and
20 therefore no answer is required. iBAHN lacks knowledge or information sufficient
21 to form a belief as to the truth of the allegations of paragraph 233.

22 **VI. CLAIM AGAINST ARUBA**
23 **CLAIM 29 CLAIM FOR INFRINGEMENT OF**
24 **U.S. PATENT NO. 6,636,894 BY ARUBA**

25 234. iBAHN repeats and incorporates by reference its responses to the
26 allegations in paragraphs 1 through 23.

27 235. iBAHN admits that Nomadix purports to bring this claim under the
28 patent laws of the United States.

1 236. The allegations of paragraph 236 are not directed to iBAHN, and
2 therefore no answer is required. iBAHN lacks knowledge or information sufficient
3 to form a belief as to the truth of the allegations of paragraph 236.

4 237. The allegations of paragraph 237 are not directed to iBAHN, and
5 therefore no answer is required. iBAHN lacks knowledge or information sufficient
6 to form a belief as to the truth of the allegations of paragraph 237.

7 238. The allegations of paragraph 238 are not directed to iBAHN, and
8 therefore no answer is required. iBAHN lacks knowledge or information sufficient
9 to form a belief as to the truth of the allegations of paragraph 238.

10 239. The allegations of paragraph 239 are not directed to iBAHN, and
11 therefore no answer is required. iBAHN lacks knowledge or information sufficient
12 to form a belief as to the truth of the allegations of paragraph 239.

13 **VII. CLAIMS AGAINST SUPERCLICK**

14 **CLAIM 30 CLAIM FOR INFRINGEMENT OF**
15 **U.S. PATENT NO. 6,130,891 BY SUPERCLICK**

16 240. iBAHN repeats and incorporates by reference its responses to the
17 allegations in paragraphs 1 through 23.

18 241. iBAHN admits that Nomadix purports to bring this claim under the
19 patent laws of the United States.

20 242. The allegations of paragraph 242 are not directed to iBAHN, and
21 therefore no answer is required. iBAHN lacks knowledge or information sufficient
22 to form a belief as to the truth of the allegations of paragraph 242.

23 243. The allegations of paragraph 243 are not directed to iBAHN, and
24 therefore no answer is required. iBAHN lacks knowledge or information sufficient
25 to form a belief as to the truth of the allegations of paragraph 243.

26 244. The allegations of paragraph 244 are not directed to iBAHN, and
27 therefore no answer is required. iBAHN lacks knowledge or information sufficient
28 to form a belief as to the truth of the allegations of paragraph 244.

1 245. The allegations of paragraph 245 are not directed to iBAHN, and
2 therefore no answer is required. iBAHN lacks knowledge or information sufficient
3 to form a belief as to the truth of the allegations of paragraph 245.

4 246. The allegations of paragraph 246 are not directed to iBAHN, and
5 therefore no answer is required. iBAHN lacks knowledge or information sufficient
6 to form a belief as to the truth of the allegations of paragraph 246.

7 247. The allegations of paragraph 247 are not directed to iBAHN, and
8 therefore no answer is required. iBAHN lacks knowledge or information sufficient
9 to form a belief as to the truth of the allegations of paragraph 247.

10 **CLAIM 31 CLAIM FOR INFRINGEMENT OF**
11 **U.S. PATENT NO. 7,088,727 BY SUPERCLICK**

12 248. iBAHN repeats and incorporates by reference its responses to the
13 allegations in paragraphs 1 through 23.

14 249. iBAHN admits that Nomadix purports to bring this claim under the
15 patent laws of the United States.

16 250. The allegations of paragraph 250 are not directed to iBAHN, and
17 therefore no answer is required. iBAHN lacks knowledge or information sufficient
18 to form a belief as to the truth of the allegations of paragraph 250.

19 251. The allegations of paragraph 251 are not directed to iBAHN, and
20 therefore no answer is required. iBAHN lacks knowledge or information sufficient
21 to form a belief as to the truth of the allegations of paragraph 251.

22 252. The allegations of paragraph 252 are not directed to iBAHN, and
23 therefore no answer is required. iBAHN lacks knowledge or information sufficient
24 to form a belief as to the truth of the allegations of paragraph 252.

25 253. The allegations of paragraph 253 are not directed to iBAHN, and
26 therefore no answer is required. iBAHN lacks knowledge or information sufficient
27 to form a belief as to the truth of the allegations of paragraph 253.

28 254. The allegations of paragraph 254 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 254.

3 255. The allegations of paragraph 255 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 255.

6 **CLAIM 32 CLAIM FOR INFRINGEMENT OF**
7 **U.S. PATENT NO. 7,554,995 BY SUPERCLICK**

8 256. iBAHN repeats and incorporates by reference its responses to the
9 allegations in paragraphs 1 through 23.

10 257. iBAHN admits that Nomadix purports to bring this claim under the
11 patent laws of the United States.

12 258. The allegations of paragraph 258 are not directed to iBAHN, and
13 therefore no answer is required. iBAHN lacks knowledge or information sufficient
14 to form a belief as to the truth of the allegations of paragraph 258.

15 259. The allegations of paragraph 259 are not directed to iBAHN, and
16 therefore no answer is required. iBAHN lacks knowledge or information sufficient
17 to form a belief as to the truth of the allegations of paragraph 259.

18 260. The allegations of paragraph 260 are not directed to iBAHN, and
19 therefore no answer is required. iBAHN lacks knowledge or information sufficient
20 to form a belief as to the truth of the allegations of paragraph 260.

21 261. The allegations of paragraph 261 are not directed to iBAHN, and
22 therefore no answer is required. iBAHN lacks knowledge or information sufficient
23 to form a belief as to the truth of the allegations of paragraph 261.

24 262. The allegations of paragraph 262 are not directed to iBAHN, and
25 therefore no answer is required. iBAHN lacks knowledge or information sufficient
26 to form a belief as to the truth of the allegations of paragraph 262.

27 263. The allegations of paragraph 263 are not directed to iBAHN, and
28 therefore no answer is required. iBAHN lacks knowledge or information sufficient

1 to form a belief as to the truth of the allegations of paragraph 263.

2 **CLAIM 33: CLAIM FOR INFRINGEMENT OF**
3 **U.S. PATENT NO. 6,636,894 BY SUPERCLICK**

4 264. iBAHN repeats and incorporates by reference its responses to the
5 allegations in paragraphs 1 through 23.

6 265. iBAHN admits that Nomadix purports to bring this claim under the
7 patent laws of the United States.

8 266. The allegations of paragraph 266 are not directed to iBAHN, and
9 therefore no answer is required. iBAHN lacks knowledge or information sufficient
10 to form a belief as to the truth of the allegations of paragraph 266.

11 267. The allegations of paragraph 267 are not directed to iBAHN, and
12 therefore no answer is required. iBAHN lacks knowledge or information sufficient
13 to form a belief as to the truth of the allegations of paragraph 267.

14 268. The allegations of paragraph 268 are not directed to iBAHN, and
15 therefore no answer is required. iBAHN lacks knowledge or information sufficient
16 to form a belief as to the truth of the allegations of paragraph 268.

17 269. The allegations of paragraph 269 are not directed to iBAHN, and
18 therefore no answer is required. iBAHN lacks knowledge or information sufficient
19 to form a belief as to the truth of the allegations of paragraph 269.

20 270. The allegations of paragraph 270 are not directed to iBAHN, and
21 therefore no answer is required. iBAHN lacks knowledge or information sufficient
22 to form a belief as to the truth of the allegations of paragraph 270.

23 271. The allegations of paragraph 271 are not directed to iBAHN, and
24 therefore no answer is required. iBAHN lacks knowledge or information sufficient
25 to form a belief as to the truth of the allegations of paragraph 271.

26 **CLAIM 34: CLAIM FOR INFRINGEMENT OF**
27 **U.S. PATENT NO. 7,194,554 BY SUPERCLICK**

28 272. iBAHN repeats and incorporates by reference its responses to the

1 allegations in paragraphs 1 through 23.

2 273. iBAHN admits that Nomadix purports to bring this claim under the
3 patent laws of the United States.

4 274. The allegations of paragraph 274 are not directed to iBAHN, and
5 therefore no answer is required. iBAHN lacks knowledge or information sufficient
6 to form a belief as to the truth of the allegations of paragraph 274.

7 275. The allegations of paragraph 275 are not directed to iBAHN, and
8 therefore no answer is required. iBAHN lacks knowledge or information sufficient
9 to form a belief as to the truth of the allegations of paragraph 275.

10 276. The allegations of paragraph 276 are not directed to iBAHN, and
11 therefore no answer is required. iBAHN lacks knowledge or information sufficient
12 to form a belief as to the truth of the allegations of paragraph 276.

13 277. The allegations of paragraph 277 are not directed to iBAHN, and
14 therefore no answer is required. iBAHN lacks knowledge or information sufficient
15 to form a belief as to the truth of the allegations of paragraph 277.

16 **CLAIM 35: CLAIM FOR INFRINGEMENT OF**
17 **U.S. PATENT NO. 6,868,399 BY SUPERCLICK**

18 278. iBAHN repeats and incorporates by reference its responses to the
19 allegations in paragraphs 1 through 23.

20 279. iBAHN admits that Nomadix purports to bring this claim under the
21 patent laws of the United States.

22 280. The allegations of paragraph 280 are not directed to iBAHN, and
23 therefore no answer is required. iBAHN lacks knowledge or information sufficient
24 to form a belief as to the truth of the allegations of paragraph 280.

25 281. The allegations of paragraph 281 are not directed to iBAHN, and
26 therefore no answer is required. iBAHN lacks knowledge or information sufficient
27 to form a belief as to the truth of the allegations of paragraph 281.

28 282. The allegations of paragraph 282 are not directed to iBAHN, and

1 therefore no answer is required. iBAHN lacks knowledge or information sufficient
2 to form a belief as to the truth of the allegations of paragraph 282.

3 283. The allegations of paragraph 283 are not directed to iBAHN, and
4 therefore no answer is required. iBAHN lacks knowledge or information sufficient
5 to form a belief as to the truth of the allegations of paragraph 283.

6 284. The allegations of paragraph 284 are not directed to iBAHN, and
7 therefore no answer is required. iBAHN lacks knowledge or information sufficient
8 to form a belief as to the truth of the allegations of paragraph 284.

9 285. The allegations of paragraph 285 are not directed to iBAHN, and
10 therefore no answer is required. iBAHN lacks knowledge or information sufficient
11 to form a belief as to the truth of the allegations of paragraph 285.

12 **PRAYER FOR RELIEF**

13 These paragraphs set forth the statement of relief requested by the
14 Plaintiff to which no response is required. To the extent the statement is directed to
15 iBAHN, iBAHN denies that it has infringed and/or induced or contributed to the
16 infringement of any claims of the '892, '727, '995, '894, or '399 patents. iBAHN
17 further denies that Plaintiff is entitled to any of the relief it requests against iBAHN.

18
19 **AFFIRMATIVE AND OTHER DEFENSES**

20 Subject to the responses above, iBAHN alleges and asserts the following
21 defenses in response to the allegations, undertaking the burden of proof only as to
22 those defenses deemed affirmative defenses by law, regardless of how such
23 defenses are denominated herein. In addition to the defenses described below,
24 subject to its responses above, iBAHN reserves the right to modify, amend, and/or
25 expand upon these defenses as discovery proceeds, and to allege additional
26 defenses that become known through the course of discovery.

27 **First Defense: Noninfringement**

28 1. iBAHN has not and does not willfully or otherwise infringe, contribute

1 to the infringement of, or actively induce others to infringe, any claim of the '892,
2 '727, '995, '894, or '399 patents.

3 **Second Defense: Invalidity**

4 2. The '892, '727, '995, '894, or '399 patents are invalid for failing to
5 comply with one or more requirements of the patent laws of the United States,
6 including, but not limited to, the conditions for patentability set forth in 35 U.S.C.
7 §§ 101, 102, 103 and 112.

8 **Defense: Estoppel**

9 3. On information and belief, Plaintiff is estopped by representations or
10 actions taken during the prosecution of the '892, '727, '995, '894, or '399 patents,
11 which limits the literal and equivalent scope of the claims of those patents under the
12 doctrines of prosecution disclaimer and prosecution history estoppel.

13 **Defense: Laches**

14 4. On information and belief, Plaintiff's claims are barred in whole or in
15 part from asserting the '892, '727, '995, '894, or '399 patents against iBAHN by
16 the doctrine of laches, or waiver, or both.

17 **Defense: Unclean Hands**

18 5. On information and belief, the claims of the '892, '727, '995, '894, or
19 '399 patents are unenforceable due to unclean hands.

20 **Defense: Limitation on Damages**

21 6. On information and belief, Plaintiff's alleged damages are limited
22 and/or barred under 35 U.S.C. §§ 286 and/or 287.

23 **Defense: 28 U.S.C. 1498**

24 7. To the extent that certain products accused of infringing the '892,
25 '727, '995, '894, or '399 patents are used by and/or manufactured for the United
26 States Government, Plaintiff's claims against iBAHN with respect to such products
27 may not be pursued and are subject to other limitations pursuant to 28 U.S.C. §
28 1498.

COUNTERCLAIMS

iBAHN asserts counterclaims against Plaintiff as follows:

PARTIES

8. iBAHN Corporation is an entity organized under the laws of the state of Delaware with its principal place of business at 10757 S. River Front Parkway, Suite 300, Salt Lake City, Utah 84095.

9. According to the Complaint, Nomadix is a Delaware corporation having its principal place of business at 1100 Business Center Circle, Suite 100, Newbury Park, California 91320.

JURISDICTION AND VENUE

10. Subject to iBAHN's defenses and denials, iBAHN alleges that the Court has jurisdiction over the subject matter of these Counterclaims under, without limitation, 28 U.S.C. §§ 1331, 1367, 1338(a), 2201 and 2202.

11. The Court has personal jurisdiction over Plaintiff.

12. Venue as to these counterclaims is proper in this district because Plaintiff has submitted to this Court's jurisdiction by the filing of the Complaint in this action.

COUNT ONE - DECLARATORY JUDGMENT OF NON-INFRINGEMENT

13. iBAHN incorporates here the foregoing admissions, denials, and allegations.

14. Based on the filing by Plaintiff of this suit and iBAHN's defenses, an actual controversy has arisen and now exists between the parties as to whether iBAHN infringes, contributes to the infringement of, or induces infringement of any valid claim of the '892, '727, '995, '894, or '399 patents.

15. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, iBAHN requests a declaration from the Court that iBAHN has not infringed any valid claim of the '892, '727, '995, '894, or '399 patents, either directly,

1 contributorily, or by inducement or either literally under the doctrine of equivalents.

2 **COUNT TWO - DECLARATORY JUDGMENT OF INVALIDITY**

3 16. iBAHN incorporates here the foregoing admissions, denials, and
4 allegations.

5 17. Based on the filing by Plaintiff of this suit and iBAHN's defenses, an
6 actual controversy has arisen and now exists between the parties as to the validity
7 of each of the claims of the '892, '727, '995, '894, or '399 patents.

8 18. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201
9 *et seq.*, iBAHN requests a declaration from the Court that each of the claims of the
10 '892, '727, '995, '894, or '399 patents are invalid for failure to comply with the
11 provisions of the patent laws, 35 U.S.C. § 100 *et seq.*, including but not limited to
12 one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

13 **COUNT THREE – PATENT INFRINGEMENT**

14 19. iBAHN incorporates here the foregoing admissions, denials, and
15 allegations.

16 20. United States Patent No. 6,934,754 ("the '754 patent"), entitled
17 "Methods and apparatus for processing network data transmissions," was duly and
18 legally issued by the United States Patent and Trademark Office on August 23, 2005,
19 after full and fair examination. iBAHN is the assignee of all rights, title, and interest
20 in and to the '754 patent and possess all rights of recovery under the '754 patent,
21 including the right to sue for infringement and recover past damages. A copy of the
22 '754 patent is attached as Exhibit 1.

23 21. Nomadix, sells and distributes, including, upon information and belief,
24 sales and distribution within the Central District of California, gateway devices
25 including but not limited to products sold under the name AG 3100, AG 5500, and
26 AG 5500 Metro Bundle.

27 22. Nomadix has infringed, and continues to infringe, the '754 patent by
28

1 making, using, offering to sell, selling (directly or through intermediaries) within the
2 United States, and/or importing into the United States products covered by one or
3 more claims of the '754 patent, and/or by contributorily infringing one or more claims
4 of the '754 patent, all without the authorization of iBAHN, including but not limited to
5 the products identified in paragraph 21.

6 23. Upon information and belief, Nomadix has been and still is actively
7 inducing one or more third parties to infringe one or more claims of the '754 patent,
8 all without the authorization of iBAHN.

9 24. Nomadix has constructive notice of the '754 patent and of their
10 infringement of the '754 patent.

11 25. As a result of the infringement by Nomadix, iBAHN has suffered, and
12 will continue to suffer, damages. iBAHN is entitled to recover from Nomadix the
13 damages sustained as a result of Nomadix's wrongful acts in an amount subject to
14 proof at trial.

15 26. The infringement by Nomadix of iBAHN's rights under the '754 patent
16 will continue to damage iBAHN, causing irreparable harm for which there is no
17 adequate remedy at law, unless Nomadix is enjoined by this Court.

EXCEPTIONAL CASE

19 27. To the extent this is an exceptional case under 35 U.S.C. § 285,
20 iBAHN is entitled to recover from Plaintiff iBAHN's attorneys' fees and costs
21 incurred in connection with this action.

RESERVATION OF RIGHTS

23 28. iBAHN hereby reserves its right to supplement with additional
24 defenses as discovery proceeds in this matter.

PRAYER

26 WHEREFORE, iBAHN prays for judgment as follows:

27 1. A judgment that Nomadix take nothing by its Complaint, and that its
28 Complaint against iBAHN be dismissed with prejudice;

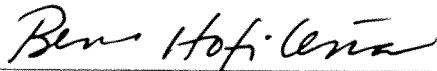
- 1 2. A judgment in favor of iBAHN on all of its Counterclaims;
- 2 3. A declaration that iBAHN has not infringed, either directly or
- 3 indirectly, any valid and enforceable claim of the '892, '727, '995, '894, or '399
- 4 patents;
- 5 4. A declaration that the '892, '727, '995, '894, or '399 patents are
- 6 invalid and/or unenforceable;
- 7 5. A declaration that Nomadix has infringed, contributed to the
- 8 infringement of, and/or induced infringement of the '754 patent;
- 9 6. A declaration that the '754 patent is valid and enforceable;
- 10 7. A permanent injunction enjoining Nomadix, including its officers,
- 11 agents, servants, employees, and those persons acting in active concert or in
- 12 participation with Nomadix, from infringing the '754 patent;
- 13 8. An accounting of all gains, profits, and advantages derived by
- 14 Nomadix's infringement of the '754 patent and an award of damages adequate to
- 15 compensate iBAHN for Nomadix's direct, contributory, and/or inducement of
- 16 infringement of the '754 patent, together with pre-judgment and post-judgment
- 17 interest;
- 18 9. A declaration that this case is exceptional and an award to iBAHN of
- 19 its reasonable costs and expenses, including attorneys' fees and expert witness fees;
- 20 10. Such other and further relief as the Court may deem proper.

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1 Dated: March 29, 2010

Respectfully submitted,

2 ORRICK, HERRINGTON & SUTCLIFFE LLP

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12 Attorneys for Defendant and Counterclaimant
13 IBAHN CORPORATION

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Defendant and Counterclaimant iBAHN Corporation hereby demands a trial by jury on all issues so triable.

Dated: March 29, 2010

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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